

California Regional Water Quality Control Board  
Santa Ana Region

October 25, 2002

ITEM: 9

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate  
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater  
Subbasins

DISCUSSION:

On June 6, 2002, the Executive Officer issued Cleanup and Abatement Order (CAO) No. R8-2002-0051 to the Goodrich Corporation and the Kwikset Corporation (the former West Coast Loading Company). The CAO was issued after seven municipal wells impacted by perchlorate in the Rialto and Colton Groundwater Subbasins were taken out of service. The CAO was issued based on information obtained by Board staff which indicated that Goodrich and Kwikset discharged perchlorate during their past activities at a 160-acre site located immediately upgradient of the impacted municipal wells. Following issuance of the CAO by the Executive Officer, Goodrich and Kwikset Corporations filed petitions for a review of the CAO by the Regional Board.

On September 13, 2002, the Board conducted a hearing to review the issuance of the CAO. After considering the testimony that was provided at the hearing, the Board rescinded CAO No. R8-2002-0051, and directed the Executive Officer to require all parties suspected of discharging perchlorate in the Rialto, Colton and Chino Groundwater Subbasins to conduct investigations pursuant to California Water Code Section 13267. The Board also directed staff to develop incentives that would encourage the suspected dischargers to provide replacement water or wellhead treatment to compensate for the loss or restricted use of the municipal water supply wells impacted by perchlorate.

In accordance with the January 2002 amendments to the California Water Code, a requirement to conduct an investigation and to submit a report on an investigation pursuant to Section 13267 must include "...a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports." Accordingly, in response to the Board's September 13, 2002 direction, staff has compiled information to date indicating that twelve parties may have discharged perchlorate that has impacted municipal wells in the Rialto, Colton and Chino Groundwater Subbasins. However, four of these parties appear to no longer be in existence (for example, the companies were dissolved or merged with other companies). Additional parties are being evaluated to determine if they may have discharged perchlorate. These additional parties consist almost exclusively of former operations involved with the manufacture, storage or handling of fireworks.

Between September 13, 2002 and October 7, 2002, the Executive Officer issued six investigation orders pursuant to Section 13267. The name of each suspected discharger, the date the investigation order was issued, and the status of the required investigation is noted below:

<u>Suspected Discharger</u>	<u>Order Date</u>	<u>Investigation Status</u>
• The Goodrich Corporation	9/24/02	Phase 1 in progress
• American Promotional Events - West, Inc.	9/25/02	Work plan due 10/25/02
• The County of San Bernardino (Mid-Valley Landfill and former bunkers)	9/26/02	Phases 1 & 2 complete, phase 3 in progress
• Aerojet (a subsidiary of GenCorp)	9/27/02	Work plan due 10/28/02
• Denova Environmental, Inc.	10/2/02	Work plan due 11/2/02
• Pyro Spectaculars by Souza	10/7/02	Work plan due 11/7/02

At the September 13, 2002, Board meeting, Goodrich Corporation provided a list of approximately forty potential sources that they had identified. However, this list does not represent forty different entities who may have discharged perchlorate and for which separate investigation orders can be issued. Instead, many of the potential sources that were listed represent a chain of successor companies (many of which no longer exist) for a specific site or facility. More than twenty of the listed potential sources appear to be different fireworks companies that historically operated at varying time periods at the same locations. Therefore, only a limited number of the "potential sources" that Goodrich Corporation identified appear to be currently viable entities that would be candidates for requiring investigations pursuant to Section 13267. The Executive Officer will issue additional orders requiring investigations pursuant to Section 13267 as staff obtains the information necessary to support the issuance of the orders and identifies the appropriate responsible corporate entities. Staff is earnestly pursuing this issue.

In addition to requiring an investigation and submittal of a report on the findings of the investigation, the investigation orders encourage the suspected dischargers to jointly pursue the investigation and to jointly explore water supply replacement options. Board staff and the water purveyors have met with some of the suspected dischargers in an attempt to foster cooperative efforts to provide replacement water.

At the October 25<sup>th</sup> meeting, staff will provide an update on the status of efforts to issue 13267 orders to additional suspected dischargers.